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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 IN RE:

19 APPLE IPOD NANO PRODUCTS  
20 LIABILITY LITIGATION

MDL Docket No.: M:06-cv-01754-RMW

**STIPULATED REQUEST FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE AND  
[] ORDER**

The Honorable Ronald M. Whyte  
Date: September 11, 2009

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STIPULATED REQUEST FOR CONTINUANCE OF CMC  
AND [] ORDER

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS  
2 OF RECORD:

3 WHEREAS the parties entered into a settlement agreement in JCCP Case No. 4469;

4 WHEREAS the Honorable Carl J. West signed the Final Judgment and Order approving  
5 the settlement on April 28, 2009;

6 WHEREAS on May 11, 2009, the parties filed a request for a continuance of the Case  
7 Management Conference ("CMC") scheduled in this case for May 22, 2009, asking that the CMC  
8 be continued for 90 days until after the statutory period for appeals in JCCP 4469 had passed

9 WHEREAS the parties indicated in their May 11, 2009 request that if no appeal was filed,  
10 they expected to file a joint stipulation and proposed order with this Court requesting dismissal of  
11 *In Re Apple iPod nano Products Liability Litigation*,

12 WHEREAS the Court granted the parties' request, continued the CMC to September 11,  
13 2009, and ordered the parties to file a dismissal by September 4, 2009, if the settlement is final;

14 WHEREAS an appeal was filed on May 21, 2009, rendering the settlement not final;

15  
16 NOW, THEREFORE, counsel for the parties hereby stipulate and request that the Court  
17 enter an order continuing the CMC, currently scheduled for September 11, 2009, for a period of  
18 approximately six months, to February 12, 2010.

19  
20 Dated: August 27, 2009

PENELOPE A. PREVOLOS  
ANDREW D. MUHLBACH  
HEATHER A. MOSER  
MORRISON & FOERSTER LLP

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23 By: /s/ Penelope A. Preovolos  
Penelope A. Preovolos

24  
25 *Attorneys for Defendant*  
APPLE INC.

1 Dated: August 27, 2009

2 STEVE W. BERMAN  
3 LEE M. GORDON  
4 ELAINE T. BYSZEWSKI  
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6 By: /s/ Lee M. Gordon

7 Lee M. Gordon

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*Attorneys for Plaintiffs*

25 I, Penelope A. Prevolos, am the ECF User whose ID and password are being used to file  
26 this Declaration. In compliance with General Order 45, section X.B., I hereby attest that I have  
27 on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this  
28 efiled document.

By: /s/

Penelope A. Prevolos

**[] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 9/10/09



Hon. Ronald M. Whyte  
United States District Judge